



Report from SACEPO/PDI

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Major points

- Report on previous actions/minutes
- Policy matters:
 - Personnel
 - EPC 2000
 - London Agreement
 - New patent information policy
- Publications policy
- INPADOC
- esp@cenet and OPS
- DG Operational Support
- epline/Register Plus
- Asian information
- EPO website



Previous actions/minutes

- esp@cenet application/publication no. formats
 - Users noted still problems with some cases (e.g. SE, DK applications, WO-A 2+5/4+6 publications)
- WIPO ST.8, formatting IPC symbols;
 - Most attendees thought that the bold/italic discriminators were not working, and suggested an alternate model using braces ({{ }})
- Issue on standards of citations to NPL by applicants
 - very difficult to extract algorithmically
 - EPO can only recommend, is not prepared to require



Previous actions/minutes

- ECLA newsletter
 - Users requested a mechanism for more formal/regular communication of changes
- INPADOCC
 - Quality/quantity of Italian data should improve; major changes at IT PO
 - Issue re. ‘split updates’ esp. for JP, CN
 - GB-B cases to be added systematically to BNS (=> more in esp@cenet eventually)



Policy matters - Personnel

- Wolfgang Pilch retired end 2007
- Replacement is Richard Flammer (ex. Austrian PO) from 1 May 2008
- Curt Edfjäll due to retire later this year



Policy matters – EPC 2000

- Statistics on operation since 13/12/07
 - Late filing of claims = 39
 - Filing by reference = 30 (21 divisionals)
 - Late filing of priority = 1
 - Applications for central limitation = 24 (first EP-B3 soon)
 - Application for central revocation = 2
- WIPO ST.9 (INID codes)
 - EPO submitted request for revision in light of EPC 2000 changes, at SCIT meeting 2/08
 - New INID code 27 – reference to ‘previously filed application’
 - Modified definition of INID 30 series to allow for WTO priority claims outside of Paris Convention
 - Changes approved and ST.9 republished 5/08
 - Existing INID 23 (other filing dates) will probably be used to denote separate filing of claims

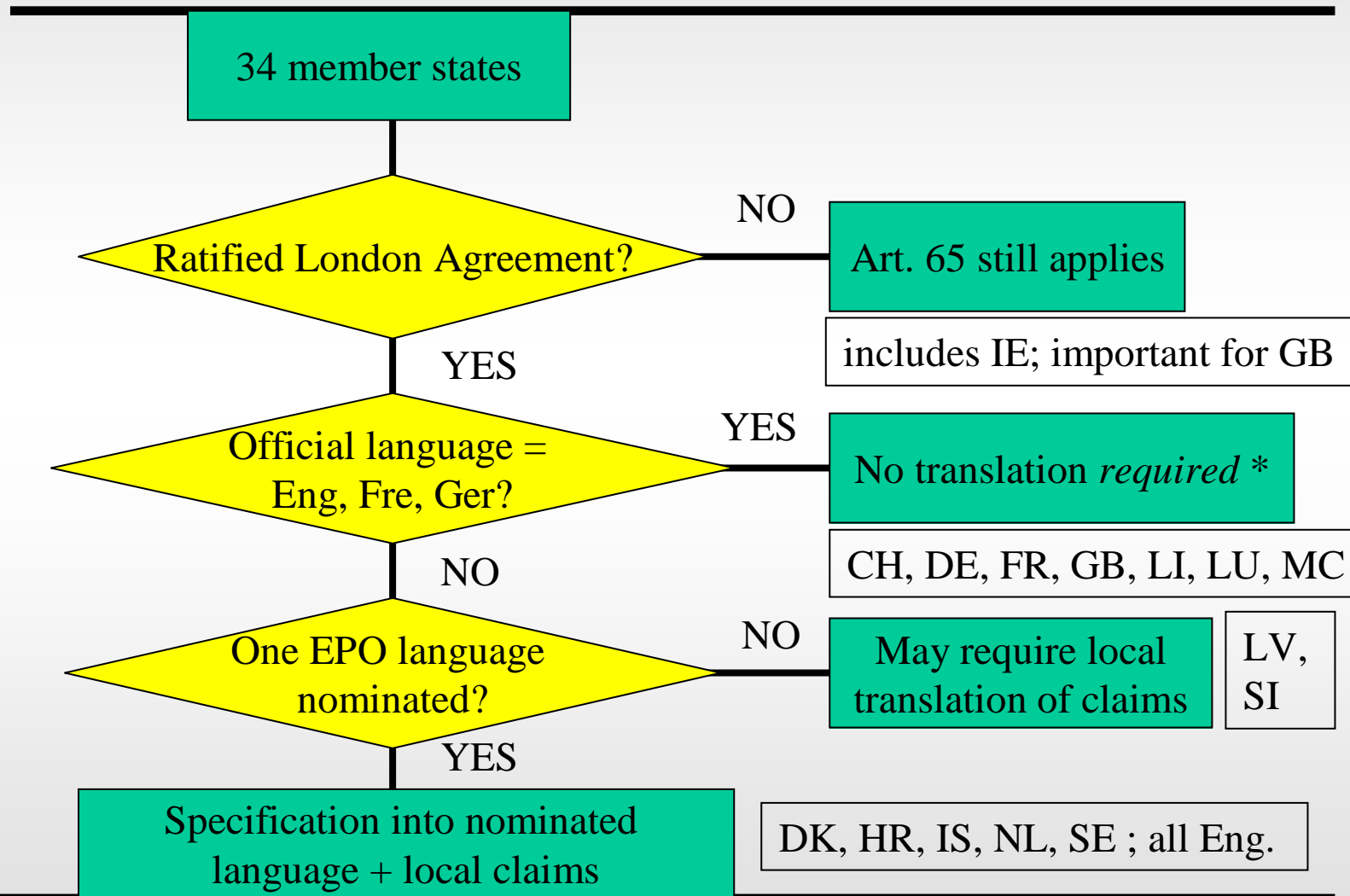


Policy matters - The London Agreement

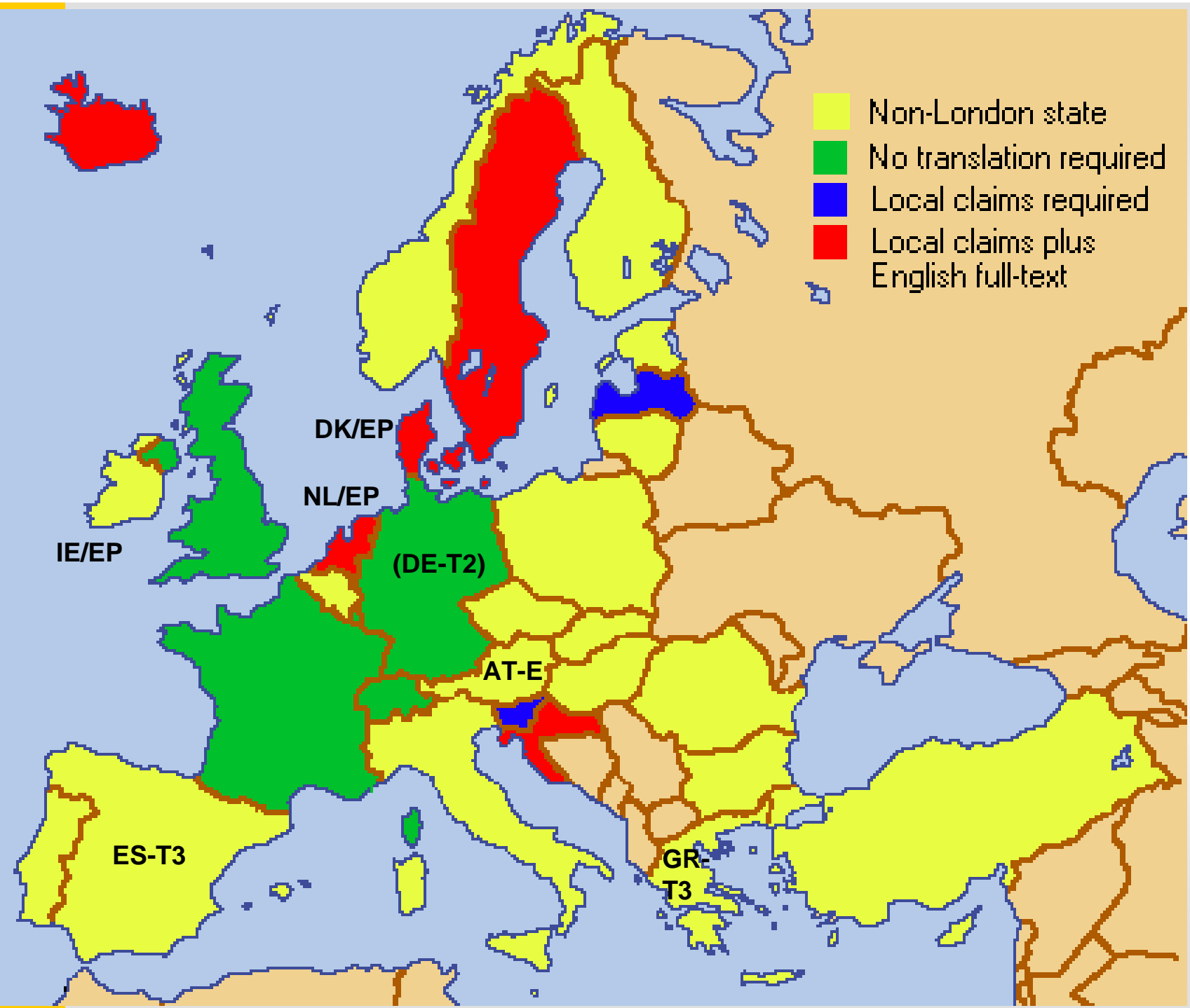
- “Agreement on the application of Article 65 EPC”
 - Agreed 17 Oct 2000, entered into force 13 May 2008, with 13 states including DE, FR, GB
- Only 14 out of 34 member states have ratified it so far; *status quo* in remaining 20.
 - Sweden ratified 29 April 2008 – 14th state
 - does not apply to extension states.
- Divides EPO member states into 4 groups:
 - “non-London”
 - “total waiver”
 - “claims-only” translation
 - “claims + specification” requirement



Schematic operation of the London Agreement



- Non-London state
- No translation required
- Local claims required
- Local claims plus English full-text





Other issues

- Most London Agreement countries apply its provisions to any EP-B cases granted after 1 May 2008
 - The UK applies it to any EP-B cases which would otherwise be affected by Patents Act 1977, s.77(6)(a) after 1 May 2008 (Patents Rules 2007, Rule 56(6))
 - the 3-month deadline for lodging a translation is included, meaning that any EP-B cases granted from 1 Feb 2008 onwards are exempt from the need to provide a translation.
- Translations for litigation will still be required, as now.
- Existing translation series (e.g. DE-T2) may not cease completely – applicant may still volunteer to supply.
 - Comment re. completeness of PDF collection in esp@cenet – ES, PT, SI complete, AT, DK, DE, GR, TR often missing
 - How strongly do users feel about these documents being present?
- There will be no explicit notation on EP-B front pages to indicate which designated states were party to the London Agreement at time of grant
 - Would users find this helpful?



Policy matters – patent information policy

- Administrative Council considering a new version of the patent information policy
- Few substantive changes
 - Possible up-rated functions of PATLIB centres, in line with national patent offices National Action Plans (NAPs)
 - Funding/training?
 - Possible renewed attempts to improve relations with academia at degree level
 - No change in ‘marginal cost’ pricing policy
 - Some attempt to define ‘value-add’



Publications policy

- Percentage of EP-A1 stable around 65-68% (i.e. 32-35% publish as A2+A3).
- Number of EP-B cases in 2007 down 12.5% (lower than expected)
- New layout of EP-A8, A9, B8, B9
 - INID 15 now includes reference to affected para. nos.; no more sidebars in text
- Publications Server now using SiteMap technology – more likely to be picked up by Google etc.
- Latest version of MIMOSA technically capable of acting as search engine to DocDB online (100m bibliographic records or 200,000 full text)



INPADOC (EPO Patent Data Resources)

- Agreement in principle to redistribute DE, FR, GB full text
 - AT, BE, CH already done, loaded on Questel
 - AU, CA may follow
- Legal status
 - EPO renewal data for *all states* since 11/07; monthly or quarterly updates
 - More data elements for SPC filings
 - Full exchange of PCT entry data with WIPO
 - Seeking RU/EA inclusion
- Bibliographic
 - UY from 2000+
 - Project on applicant name standardisation/correction
 - ? Better integration of NPL into DocDB ?



esp@cenet/OPS

- esp@cenet
 - New search engine due mid-2008
 - Relaxation of download page limits
 - but still encourage use of Publications Server to limit traffic for EP documents
 - Working on various ‘sort’ features in hit list, enhanced ECLA search
- OPS
 - version 2 due out Q2/08; existing clients will continue to work until 11/08.
 - upgraded search function, family search and indication of full-text availability
 - ‘Patstat’ database created in cooperation with OECD to be made available to third parties (as data tables, not XML)



DG Operational Support

- Over 3.5m docs bibliographic data added to DocDB in 2007 (total > 66m) + 1m corrections
- Facsimiles up 7.5m to 78.7m (incl. 1.3m NPL)
- NPL full text up 30% to 4.3m items
 - now including final standards and non-confidential discussions on standards development
- Completed 600 revision projects on ECLA
 - more than 14,000 changes (new, revised, deleted)
 - 4% growth in section H (physics), 30% growth in ICO section M (chemistry)
- Question – systematic application of ECLA to XP docs, either cited or stored in DocDB?
 - Comments?



epoline/Register Plus

- Major development is move towards 24/7 availability
- Nearly all changes required as a result of EPC 2000 are in place, including space for new KD codes.
- WebRegMT now able to monitor 1000 cases, with enhanced distribution of results to lists/individuals.



Asian information

- Japan
 - JPO file wrapper (5/07+) includes applicant-JPO communications (previously only outgoing documents)
 - Full text search (3/08) in Japanese language pages of IPDL
 - more becoming available to EPO examiners
 - Modification to layout and content of legal status via PAJ
- China
 - INID 56 (search report) included on CN-C since 1/07
 - EPO obtained 1996-2006 full text data as test bed for MT experiments
 - Major revision to patent law due later 2008; absolute novelty, first filing in China requirement
- Korea
 - INID 56 (search report) and 22 (date of request for examination) added to KR-B from 1/07
 - KPA now including PCT transfer cases into Korea from 10/00



EPO website

- Continuing development
 - welcome comments on site structure/usability
 - possible inclusion of
 - searchable PDFs e.g. Board of Appeal decisions (cf. ESPACE-LEGAL)
 - searchable calendar of oral proceedings
 - considering RSS feed for INPADOC newsletters



AOB

- epi council is preparing a position paper on Board of Appeal decision T1134/06
 - internet publications effectively treated as oral disclosures, with higher burden of proof on establishing date of disclosure
 - appears to apply to *all* internet-based services, including established pre-print servers, IP.com etc.
 - epi concerned; may request EPO to establish an audited electronic depositary server with comprehensive date-stamping facility



Final point

- SACEPO/PDI happens every year, in March
- PATMG has a seat on this committee, and it provides an important forum for feedback, as well as an opportunity to raise issues
- If you have any issues which you would like to be discussed, please let me know in advance, so that I can take it to the meeting